

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 969 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GSRTC

Versus

YUSUF MOHAMMAD SHAIKH

Appearance:

MR MANISH R BHATT for Petitioner
MR MM TIRMZI for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 18/07/96

ORAL JUDGEMENT

1. Rule. Mr.H.K.Rathod appears and waives service of rule on behalf of respondent. With the consent of learned advocates appearing for parties matter is finally heard today and decided.
2. The GSRTC-petitioner is aggrieved by the award passed by the Industrial Tribunal dated 14.2.95 whereby the respondent-workmen is directed to be placed in the

original timescale of pay since 1973-74 and to pay salary and other consequential benefits flowing therefrom accordingly.

3. It is this award which is under challenge in this petition. It is required to be noted that the workmen has superannuated in the year 1992. In fact, it is after his superannuation that he has raised demand and the dispute is referred to the tribunal. In the continuation of his services no such dispute was raised. However, the tribunal has found that the workman is entitled to be placed in the original timescale of pay since 1973-74. Now, if the reference is made to the tabular statement showing number of days the workman has worked in a particular calendar year it appears that upto 1983 the service put in by the workman on average works out to below 130 days every year. However, after the year 1984 if the service record is seen it is found that services put in by him are, at an average, over a period of about 280 days. In that view of the matter, at the admissional hearing of this petition, balancing the interests of both the parties, suggestion was made by this court to the effect that the workman should be put in the original timescale of pay since 1984 and he should be paid salary and consequential benefits flowing therefrom accordingly. Such a suggestion was found to be reasonable and acceptable to the petitioner-Corporation. Such suggestion was also put by Mr.Rathod to his client and he has also showed his readiness and willingness to his being placed in the original timescale of pay in the grade of Helper since 1984 and to be paid the monthly salary in the original timescale along with consequential benefits flowing therefrom till he superannuated. Said amount shall be worked out by the petitioner-Corporation within 8 weeks from today and shall be paid to the respondent-workman within two weeks thereafter.

4. In the result, petition partially succeeds to the aforesaid extent of substitution, and the award of the tribunal is substituted by the aforesaid directions. The aforesaid concession shown by the petitioner-corporation is in the peculiar facts and circumstances of the case and should not be treated as a precedent for anyother case in future. Rule is made absolute to the aforesaid extent only. No costs.